HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.18006 OF 2007

Between:

Syed Jahangir

. . .Petitioner

AND

The Inspector General of Police,
Hyderabad and others

. . .Respondents

:: ORDER ::

Counsel for the petitioner : Shri P.V.Krishnaiah

Counsel for the respondents : Government Pleader for Home

31st August, 2007

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PER G.S.SINGHVI, CJ

In this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issue of a mandamus to respondent Nos.2 to 4 to take action against respondent No.1 for issuing patently unconstitutional and illegal proceedings dated 16.01.2007 and also for issue of a mandamus for implementation of order dated 04.05.2007 passed by Andhra Pradesh Administrative Tribunal, Hyderabad (for short, 'the Tribunal') in O.A.No.2676 of 2007.

It is borne out from the record that on 24.8.2007 the Division Bench comprising Hon'ble Smt. T.Meena Kumari and Shri G.Chandraiah, JJ, after taking cognizance of the statement made by the learned counsel appearing for the petitioner, directed the registry to post the matter before appropriate Bench hearing public interest litigation. That is why the writ petition has been listed before this Bench.

Shri P.V.Krishnaiah, learned counsel for the petitioner made efforts to persuade us to treat this petition as a piece of public interest litigation, but, after having given our most anxious consideration to the matter, we have not felt persuaded to agree with him. The relief claimed in the writ petition is essentially personal to the petitioner. His grievance relates to non-payment of salary in the pay-scale prescribed for the post of Inspector and the alleged failure of respondent No.1 to implement the direction given by the Tribunal on 4.5.2007. There is no element of public interest involved in the relief claimed by the

petitioner. Therefore, the writ petition cannot be entertained as a piece of public interest litigation.

We are further of the view that the remedy available to the petitioner for securing implementation of order dated 04.05.2007 passed in O.A.No.2676 of 2007 is to file contempt case before the Tribunal and not by filing writ petition under Article 226 of the Constitution.

Hence, the writ petition is dismissed with liberty to the petitioner to file appropriate application under the Administrative Tribunals Act, 1985 and the rules framed there under.

As a sequel to dismissal of the main petition, WPMP Nos.23101 and 23102 of 2007 filed by the petitioner for interim relief are also dismissed.

G.S.SINGHVI, CJ

31st August, 2007

C.V.NAGARJUNA REDDY, J

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